

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

**GOVERNMENT'S MOTION FOR FINDINGS OF FACT  
BY THE DISTRICT COURT TO CONTINUE THE TRIAL DATE  
BEYOND LIMITS SET BY THE SPEEDY TRIAL ACT**

Comes now the United States of America by and through its attorneys, Richard G. Callahan, United States Attorney for the Eastern District of Missouri, and Noelle C. Collins, Assistant United States Attorney for said District, and requests the Court, pursuant to Title 18, United States Code, Sections 3161(h)(8)(A) and (B)(i) and (ii), to set a trial date beyond that allowed under the Speedy Trial Act, Title 18, United States Code, Section 3161, et al., and additionally requests that this Court make specific findings and state its reasons for said continuance. The Government, in support of its motion, states as follows:

1. This case involves a complex long-term drug conspiracy in which 6 defendants are named in three counts, which include one drug conspiracy counts, two substantive counts and a related criminal forfeiture notice.
2. The Government estimates that the trial in this case could last several weeks or more depending upon the number of defendants electing to proceed to trial. A more accurate estimate can be made when the number of defendants electing to go to trial has been determined.

3. The discovery in this case is voluminous as the investigation extended for a period of many months and involved Title III wiretaps of numerous telephones conducted in St. Louis, Missouri. The discovery in the case includes numerous audio tapes, thousands of pages of documents and more than 18,209 wiretap calls. The documentary evidence consists of law enforcement reports, and Title III materials, among other items.

4. The Government anticipates that motions to continue will be filed by defendants in this case. Should any of the defendants decide to file motions to suppress each of these will require a ruling or report and recommendation to be filed by the assigned United States Magistrate Judge Terry I. Adelman. Currently, motions are yet to be scheduled.

5. The 12(b)(4) Federal Rules of Criminal Procedure disclosure notice to be filed by the Government in this case will include many arguably suppressible matters. These matters will require an evidentiary hearing to be held by Judge Adelman. Likewise, specific findings of fact and conclusions of law must be written as to each of the separate events.

6. There was court-ordered electronic monitoring (Title III) of telephones utilized by individuals located in St. Louis that will be utilized by the Government in this case. The Government has provided access to CDs of the recordings in this case so that each defendant and attorney may review these recordings in preparation for the trial and for the hearings on the motions to suppress electronic surveillance. The CDs of the intercepts over these wiretaps contain more than 18,209 telephone calls.

7. The Government would be prepared to try this case within the time limits set forth under the Speedy Trial Act. However, the Government recognizes that in light of the number of defendants, the nature of the conspiracy charge, the extensive court-ordered surveillance, the

extensive discovery and complexity of the motion hearings, it is unreasonable to expect the defense to have adequate preparation for pretrial proceedings or for the trial itself within the time limits established by the Speedy Trial Act.

8. Setting this case within the time required by the Speedy Trial Act in a matter this complex would lead to a miscarriage of justice for the defendants.

WHEREFORE, pursuant to Title 18, United States Code, Sections 3161(h)(8)(A) and (B)(i) and (ii) and for all the foregoing reasons, the United States requests this Court to make specific findings and state its reasons to continue the trial date in this case beyond the limits set by the Speedy Trial Act because the ends of justice served by continuing this case outweigh the best interest of the public and the defendants in a speedy trial.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that on February 16, 2010, the foregoing was filed electronically with the Clerk of the Court to be served by operation of the Court's electronic filing system upon all counsel of record.

*s/Noelle C. Collins*  
NOELLE C. COLLINS, #109678  
Assistant United States Attorney